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7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation and Petition to  
12 Revoke Probation Against:

13 **CYNTHIA CARDONA,**  
14 **a.k.a. CYNTHIA LOUISE CARDONA,**  
15 **a.k.a. CYNTHIA LOUISE TOKOPH**  
16 **5768 South Mountain Side Lane**  
**Hereford, AZ 85615**

17 **Registered Nursing License No. 465060**

18 Respondent.

Case No. 2010-669

**ACCUSATION AND PETITION  
TO REVOKE PROBATION**

19 Louise R. Bailey, M.Ed., RN (Complainant) alleges:

20 **PARTIES**

- 21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation and Petition to  
22 Revoke Probation solely in her official capacity as the Executive Officer of the Board of  
23 Registered Nursing ("Board"), Department of Consumer Affairs.
- 24 2. On or about March 31, 1991, the Board issued Registered Nursing License Number  
25 RN 465060 to Cynthia Louise Tokoph, a.k.a. Cynthia Cardona (Respondent). The License was in  
26 full force and effect at all times relevant to the charges in the present Accusation; said license will  
27 expire on January 31, 2011, unless renewed.

3. The Board revoked Respondent's license in a decision effective April 14, 1995, on the basis of convictions and acts involving reckless driving and driving under the influence of alcohol. (See Exhibit A.) On October 23, 1997, the Board granted a petition for reinstatement of licensure filed by Respondent.<sup>1</sup> (See Exhibit B.) However, after the petition was granted, Respondent was not able to establish complete eligibility for re-licensure due to her inability to pass the NCLEX nursing examination. Subsequently, on January 29, 2009, the Board granted Respondent's application for licensure by endorsement, imposed a stayed order of revocation on the license, and placed the license on probation for three years subject to specific terms and conditions.

## STATUTORY PROVISIONS

4. Business and Professions Code section ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 2811(b), provides in pertinent part, that the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states, in pertinent part:

“The board may take disciplinary action against a certified or license nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United

<sup>1</sup> The Board granted the petition for reinstatement, but placed the license on probation for three years with specific terms and conditions. The Board reimposed a three year probation and terms and conditions on the license issued on January 29, 2009.

1 States, by any other government agency, or by another California health care professional  
2 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that  
3 action."

#### 4 COST RECOVERY

5 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licentiate found to have committed a violation or violations of  
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case.

#### 9 FIRST CAUSE FOR DISCIPLINE 10 (Out-of-State Discipline)

11 9. Respondent is subject to discipline under Code section 2761(a)(4) in that she was  
12 disciplined twice by the Arizona State Board of Nursing ("Arizona Board"). In a case titled "In  
13 the Matter of the Application for Registered Nurse Licensure by Endorsement of Cynthia Louise  
14 Cardona; Aka Cynthia Louse (sic) Topokh, Applicant," the Arizona Board in Consent Agreement  
15 and Order (Order) issued Respondent a registered nurse license by endorsement; imposed a  
16 stayed order of revocation on the license and placed the license on terms and conditions subject to  
17 probationary periods of twelve (12) and twenty-four (24) months. (See Exhibit C.)

18 10. The Arizona Board in a case titled "In the Matter of the Disciplinary Action Against  
19 Registered License No.: TRN158058 Issued to Cynthia Louise Cardona, the Arizona State Board  
20 of Nursing ("Arizona Board") issued a Notice of Revocation in which the Arizona Board notified  
21 Respondent that it was revoking her registered nurse (license) in accordance with the provision of  
22 its Order.

23 11. Under the terms of the Arizona Board's Order, Respondent was subject to automatic  
24 revocation of her licensure if she did not comply with the mandatory drug-testing requirements.  
25 Respondent failed to submit a urine specimen to the Sonora Quest Laboratories for drug testing  
26 on July 1, 2009. Respondent's failure to submit the urine specimen was a violation of the

27 ///

1 Arizona Board's Order and Arizona Revised Statutes section 32-1663(D) as defined in  
2 Arizona Revised Statutes section 32-1601(16)(i) and (j).

3 **PETITION TO REVOKE PROBATION**

4 12. Grounds exist for revoking the probation imposed upon granting of Respondent;  
5 application for licensure by endorsement, vacating the order of stayed revocation, and enforcing  
6 the order of revocation. The relevant conditions of probation are as follows:

7 **"Condition 1**

8 Respondent shall obey all federal, state and local laws, and all rules, and regulations of the  
9 Board of Registered Nursing governing the practice of nursing in California. A full and detailed  
10 account of any and all violations of law shall be within 72 hours of occurrence. To permit  
11 monitoring of compliance with this term, respondent shall submit completed fingerprint cards and  
12 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted  
13 as part of the licensure application process."

14 **"Condition 2**

15 Respondent shall fully comply with the terms and conditions of the Probation Program  
16 established by the Board and cooperate with representatives of the Board in its monitoring and  
17 investigation of the respondent's compliance with the Program. Respondent shall inform the  
18 Board in writing within no more than 15 days of the any address change and shall at all times  
19 maintain an active, current license status with the Board, including during any period of  
20 suspension."

21 **"Condition 4**

22 If a respondent violates the conditions of probation, the Board after giving the respondent  
23 notice and an opportunity to be heard, may set aside the stay order and impose the stayed  
24 revocation of respondent's license.

25 If during the period of probation, an accusation or petition to revoke probation has been  
26 filed against respondent's license or the Attorney General's Office has been requested to prepare  
27 an accusation or petition to revoke probation against respondent's license, the probationary period  
28

1 shall automatically be extended and shall not expire until the accusation or petition has been acted  
2 upon the Board. Upon successful completion of probation, respondent's license will be fully  
3 restored."

4 **FIRST CAUSE TO REVOKE PROBATION**

5 (Obey all Laws)

6 13. Respondent violated Condition Number 1 of probation, in that she violated Arizona  
7 Revised Statutes, as set forth in paragraphs 10 and 11, above.

8 **SECOND CAUSE TO REVOKE PROBATION**

9 (Failure to Comply with the Terms of Probation)

10 14. Respondent violated Condition Number 2 of probation, in that she failed to comply  
11 with the terms of probation as set forth in paragraphs 10, 11 and 13 above.

12 **THIRD CAUSE TO REVOKE PROBATION**

13 15. Respondent violated Condition Number 4 of probation in that she failed to inform the  
14 Board of change in residency or practice outside the state within 15 days.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board of Registered Nursing issue a decision:

18 1. Revoking or suspending Registered Nursing License Number RN 465060, issued to  
19 Cynthia Cardona;

20 2. Vacating the stayed order of revocation and making effective the revocation of  
21 Registered Nurse License Number RN 465060 issued to Cynthia Cardona.

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25 ///

1        3.     Ordering Cynthia Cardona to pay the Board of Registered Nursing the reasonable  
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
3 Code section 125.3;

4        4.     Taking such other and further action as deemed necessary and proper.  
5

6  
7 Dated: *June 30, 2010*

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
State of California  
*Complainant*

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BOARD OF REGISTERED NURSING  
CALIFORNIA  
JUN 30 2010

EXHIBIT A

California Board of Registered Nursing Decision

effective April 14, 1995

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

CYNTHIA LOUISE TOKOPH  
924 Torrey Pines Drive  
Paso Robles, CA 93446

Registered Nurse  
License No. 465060

Respondent.

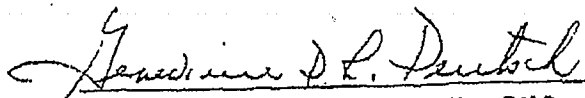
Case No. 94-123

OAH No. L-9408170

DECISION

The attached Proposed Decision of the Administrative  
Law Judge is hereby adopted by the BOARD OF REGISTERED NURSING as  
its Decision in the above-entitled matter.

This Decision shall become effective on April 14, 1995.  
~~March 30, 1995.~~  
IT IS SO ORDERED February 28, 1995.

  
GENEVIEVE D.R. DEUTSCH, RNC, OGNP  
President



BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

CYNTHIA LOUISE TOKOPH  
924 Torrey Pines Drive  
Paso Robles, CA 93446

Registered Nurse  
License No. 465060

Respondent.

Case No. 94-123

OAH No. L-9408170

PROPOSED DECISION

On November 3, 1994, in Riverside, California, James Ahler, Administrative Law Judge, Office of Administrative Hearings, heard this matter.

Ronald A. Casino, Deputy Attorney General, represented the Board of Registered Nursing (hereafter the Board).

Respondent Cynthia Louise Tokoph (hereafter respondent) represented herself in propria persona.

Evidence was received, the record was closed, and the matter was submitted.

FINDINGS OF FACT

I

On December 20, 1993, Ruth Ann Terry, R.N., M.P.H., in her official capacity as the Executive Officer, Board of Registered Nursing, Department of Consumer Affairs, signed the Accusation.

II

On October 21, 1990, respondent signed a completed application for a license to practice as a registered nurse in California which she submitted to the Board thereafter. The last paragraph of the application stated:

"I understand that I am required to report immediately to the California Board any convictions or disciplinary action against my nursing license which occur between the date of this application and the date that a California license is issued. Failure to do so constitutes falsification of application for licensure."

### III

On March 31, 1991, the Board issued Registered Nurse License No. 465060 to respondent, which expires on January 31, 1995, unless suspended or revoked.

### IV

On February 7, 1991, respondent was convicted, on her plea of guilty, of recklessly driving a motor vehicle on December 15, 1990, in violation of Vehicle Code section 23103, in case no. NC 118000, in the Municipal Court of California, County of San Diego, North County Judicial District.

Respondent was placed on three years probation to the court on condition that she pay a fine and a penalty assessment. Other conditions of respondent's probation required her to attend and complete an alcohol education program, not drive a motor vehicle with any measurable alcohol in her system, submit to any test to detect alcohol in her system at the request of a peace officer, not violate any laws involving alcohol, not drive without a valid driver's license and insurance, not violate any laws, and notify the court if she changed her address.

Respondent's February 1991 conviction arose out of a traffic collision causing injury as she was returning home after consuming several beers while watching the stars at Palomar Mountain. Respondent's blood alcohol level was below the presumptive limit, and she pled guilty to a "wet reckless." Respondent was insured at the time of the collision and her insurance carrier and the injured parties reached a settlement.

### V

The application respondent signed on October 21, 1990, required her to disclose "any convictions or disciplinary action against my nursing license which occur between the date of this application and the date that a California license is issued..." Respondent did not report her February 7, 1991, conviction of reckless driving before the Board issued her a license.

The Board alleges that respondent's failure to disclose her conviction permitted her to obtain her license "by fraud, misrepresentation or mistake" and was a "false statement in

connection with her application for a license by certifying that she would immediately notify the Board of Registered Nursing if she were convicted of any offense prior to the time the license was issued" (See the Accusation, paragraph 10).

Respondent's failure to notify the Board of her reckless driving conviction did not involve fraud or misrepresentation. It did not occur to respondent that her conviction, which did not arise out of any nursing activity, was something she was required to disclose. It was not established that the Board would have denied respondent the license if she had disclosed her conviction of reckless driving before March 31, 1991.

## VI

On August 22, 1991, respondent was convicted, on her plea of guilty, of driving a motor vehicle under the influence of alcohol on July 23, 1991, in violation of Vehicle Code section 23152(a), in case no. NC 130220, in the Municipal Court of California, County of San Diego, North County Judicial District.

Respondent was placed on five years probation to the court on condition that she serve two days in jail, with credit given for time she previously served, and pay a fine and a penalty assessment. Other conditions of respondent's probation required her to attend and complete a first conviction alcohol program, not drive a motor vehicle with any measurable alcohol in her system, not drive without a valid driver's license and insurance, submit to any test to detect alcohol in her system at the request of a peace officer, not violate any laws, and notify the court if she changed her address.

Respondent's August 1991 conviction arose out of a traffic stop on July 23, 1991. Respondent's blood alcohol level was, according to court records, measured to be .15% and .13%, well above the presumptive limit.

## VII

Reckless driving and driving a motor vehicle under the influence of an alcoholic beverage are crimes inimical to public health, safety, and welfare, but the same is true of almost every conviction. A single conviction of reckless driving or driving under the influence of alcohol, even where injury is involved, does not necessarily evidence a present or potential unfitness to carry out the responsibilities of a registered nurse.

Respondent's two 1991 alcohol-related convictions and her acknowledged history of difficulties with alcohol establish her longstanding alcohol problem. Because of the duration of

respondent's problem and the relatively brief period of her most recent sobriety, it is uncertain respondent will remain sober. Although there is no evidence that respondent's abuse of alcohol ever affected her work, the insidious nature of alcoholism impairs judgment and inevitably leads to unexpected and undesirable results. Under the circumstances presented, respondent's convictions are substantially and adversely related to her fitness to carry out the functions of a registered nurse at this time.

#### VIII

Respondent was born December 16, 1958. She grew up in Illinois, Florida, and New Mexico. Respondent graduated from high school in 1977. She married and divorced twice. She has a nine year old son and a one year old daughter.

Respondent first drank alcohol when she was twelve years old. She began abusing alcohol when she was seventeen years old.

Between 1977 and 1987, respondent's family life was tumultuous. Respondent worked as a waitress and raised her son. Respondent was involved in two alcohol-related traffic collisions, the first in Florida in 1978 and the second in California in 1981. Respondent describes herself as a "periodic alcoholic," abstaining from alcohol for four to six months, then "going full blast for a day or two." Respondent now appreciates that she drank when she was depressed.

Respondent began Palomar College in spring 1987 and remained a full time student there through summer 1991. She worked hard, and was awarded an Associate of Arts degree in general studies in May 1990 and an Associate of Arts degree in nursing in December 1990.

Respondent did not admit she was an alcoholic following her December 1990 traffic collision, after her reckless driving conviction in February 1992, after she violated her probation by driving under the influence in July 1991, or after she was convicted of driving under the influence in August 1991. Respondent first admitted she was an alcoholic in October 1991 after attending a required alcohol education program.

Since October 1991, respondent has made diligent and mostly successful efforts to remain sober. She moved from North San Diego County to Ventura County to avoid influences which she felt led her to drink. In November 1991, she entered New Life Counseling in Ventura County and she continued that program through July 1993. In March 1992 she consulted Dr. W. Hamlin

Emory, a psychiatrist, who discovered the basis of her depression and treated it with medication. Respondent completed the conditions of her probation when living in Ventura County.

Respondent moved to Paso Robles, and she became depressed when she found herself in unavoidable contact with alcoholics. Respondent realized she had to move to avoid further problems. She moved, went to work as a nurse at Memorial Hospital in Bakersfield, and voluntarily enrolled in the Kern County Substance Abuse Program. In connection with her participation in that program, respondent sees Dr. Dirk O. Wales, a psychiatrist, for depression, has psychotherapy weekly with Marti Rodriguez, a licensed clinical social worker, and regularly attends Alcoholics Anonymous meetings. Respondent has completed the twelve steps and attempts to practice them each day.

Within two weeks of the hearing, respondent quit working as a nurse and applied for state disability insurance because of mental stress involved with her work and her present life situation. She has no plans to work in the near future. Respondent wants to maintain her license because she worked hard to get it, found nursing rewarding, and may need her license in the future.

Respondent received more than eighty-five hours of continuing education in nursing from January 1993 through August 1994. There is no evidence of any basis for disciplinary action against respondent's license other than her history of alcoholism and the criminal convictions arising out of her alcoholism. Respondent's was candid in describing her past and present life circumstances.

Respondent's efforts to be abstinent are sincere and, for the most part, successful. Between July 1993 and June 1994, respondent had three relapses when she drank alone at her home. Respondent last drank alcohol on June 6, 1994. Respondent has never consumed alcohol at work or at school. Respondent has taken substantial steps along the path of recovery and rehabilitation. Although her period of sobriety is not sufficiently extended to avoid the revocation of her license, respondent is encouraged to continue her efforts and to petition for the reinstatement of her license as her sobriety progresses.

#### DETERMINATION OF ISSUES

##### I

Cause exists to suspend or revoke respondent's license under Business and Professions Code sections 490, 2761(f), 2762(b), and 2762(c), based on Findings of Fact IV, VI, VII, and VIII, on the grounds that respondent's history of alcohol abuse,

and the criminal convictions she suffered as a consequence of her alcoholism, are substantially and adversely related to the qualifications, functions, and duties of a registered nurse and presently impair her ability to practice nursing safely.

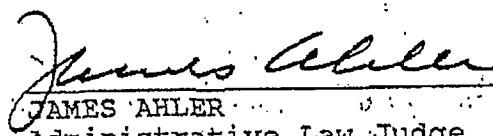
II

Cause does not exist to suspend or revoke respondent's license under Business and Professions Code sections 2761(a), 2761(b), and 2761(e), based on Findings of Fact II, IV, and V, in that respondent did not procure her license by fraud, misrepresentation, or the giving of any false information to the Board.

ORDER

Registered nurse license no. 465060, issued to respondent Cynthia Louise Tokoph is hereby revoked.

Dated: November 22, 1994

  
JAMES AHLER  
Administrative Law Judge  
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
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3 110 West A Street, Suite 1100  
P. O. Box 85266  
4 San Diego, California 92186-5266  
Telephone: (619) 645-2068  
5 Attorneys for Complainant  
6  
7

8 BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
9 STATE OF CALIFORNIA

10 In the Matter of the Accusation  
11 Against:

NO. 94-123

12 CYNTHIA LOUISE TOKOPH  
924 Torrey Pines Drive  
13 Paso Robles, CA 93446  
License No. 465060  
14

ACCUSATION

Respondent.

15  
16 Ruth Ann Terry, R.N., M.P.H., for causes for  
17 discipline, alleges:

18  
19 1. Complainant Ruth Ann Terry, R.N., M.P.H., makes and  
20 files this accusation in her official capacity as Executive  
21 Officer, Board of Registered Nursing, Department of Consumer  
22 Affairs.

23  
24 2. On March 31, 1991, the Board of Registered Nursing  
25 issued Registered Nurse License Number 465060 to Cynthia Louise  
26 Tokoph. The license was in full force and effect at all times  
27 pertinent herein and will expire on January 31, 1995, unless

1 renewed.

2

3           3. Under Business and Professions Code section 2750,  
4 the Board of Registered Nursing may discipline any licensee,  
5 including a licensee holding a temporary or an inactive license,  
6 for any reason provided in Article 3 of the Nursing Practice Act.

7           Under Business and Professions Code section 490, the  
8 Board of Registered Nursing may suspend or revoke a license when  
9 it finds that the licensee has been convicted of a crime  
10 substantially related to the qualifications, functions or duties  
11 of a licensed registered nurse.

12           Under Title 16, California Code of Regulations, section  
13 1445(b), the Board of Registered Nursing will consider the nature  
14 and severity of the offenses, the total criminal record, the time  
15 that has elapsed since the offenses were committed, whether the  
16 licensee complied with any terms of parole, probation,  
17 restitution or other sanctions lawfully imposed, and evidence, if  
18 any, of rehabilitation submitted by the licensee when considering  
19 suspension or revocation of a license.

20

21           4. On or about November 5, 1990, the Board of  
22 Registered Nursing received an application for a license to  
23 practice as a registered nurse in California from Cynthia Louise  
24 Tokoph. On October 21, 1990, Cynthia Louise Tokoph certified  
25 under penalty of perjury that she would report immediately to the  
26 Board any convictions or disciplinary actions which occur between  
27 the date of the application and the date that a license is issued



1 and that the contents of the application were true and correct.

2

3 5. Respondent has subjected her license to discipline  
4 under Business and Professions Code section 2761(f) in that  
5 respondent was convicted of the following acts or crimes:

6 a. On February 7, 1991, respondent was convicted by  
7 the Court on a plea of guilty of violating Vehicle Code section  
8 23103, pursuant to Vehicle Code section 23103.5 (reckless  
9 driving--alcohol related) in Municipal Court, North County  
10 Judicial District, County of San Diego, State of California, case  
11 number NC 118000, entitled People v. Cynthia Louise Tokoph. On  
12 February 7, 1991, the Court ordered respondent to serve 3 years  
13 of probation, under terms and conditions, which included the  
14 following: (1) Not violate any laws, except minor traffic  
15 violations; (2) Not violate any laws pertaining to alcohol; and  
16 (3) Not drive a motor vehicle with any measurable alcohol in her  
17 system.

18 The circumstances of the conviction are substantially  
19 related to the qualifications, functions or duties of a licensed  
20 registered nurse, as defined in Title 16, California Code of  
21 Regulations, section 1444(b), in that on or about December 15,  
22 1990, respondent caused bodily injury to 2 victims while driving  
23 a vehicle on a public highway in San Diego County after having  
24 consumed several alcoholic beers.

25 b. On August 22, 1991, while still on probation for  
26 the conviction set forth in paragraph 5(a), above, respondent was  
27 convicted by the Court on a plea of guilty of violating Vehicle

1 Code section 23152(a) (driving on a public highway while under  
2 the influence of alcohol) in Municipal Court, North County  
3 Judicial District, County of San Diego, State of California,,  
4 case number NC 130220, entitled People v. Cynthia Louise Tokoph.  
5 On August 22, 1991, the Court ordered respondent to serve 5 years  
6 of probation, under terms and conditions. The Court ordered  
7 respondent to attend and successfully complete an alcohol  
8 rehabilitation program; to notify the Court within 10 days of any  
9 change of address; to pay a fine of \$980.00; and to perform  
10 community service.

11 The circumstances of the conviction are substantially  
12 related to the qualifications, functions or duties of a licensed  
13 registered nurse, as defined in Title 16, California Code of  
14 Regulations, section 1444(b), in that on or about July 23, 1991,  
15 respondent drove a vehicle on a public highway in San Diego  
16 County while under the influence of alcohol in her blood.

17  
18 6. Respondent has subjected her license to discipline  
19 under Business and Professions Code section 490 in that  
20 respondent was convicted of crimes substantially related to the  
21 qualifications, functions or duties of a registered nurse, as set  
22 forth in paragraph 5.

23  
24 7. Respondent has subjected her license to discipline  
25 under Business and Professions Code section 2761(a) on the  
26 grounds of unprofessional conduct as defined in section 2762(c)  
27 in that respondent was convicted of crimes involving the

1 consumption of alcoholic beverages, as set forth in paragraph 5.

2

3 8. Respondent has subjected her license to discipline  
4 under Business and Professions Code section 2761(a) on the  
5 grounds of unprofessional conduct as defined in section 2762(b)  
6 in that respondent used alcoholic beverages to an extent or in a  
7 manner dangerous to herself, or the public, or to the extent that  
8 such use could impair her ability to conduct with safety to the  
9 public the practice authorized by her license, as set forth in  
10 paragraph 5.

11

12 9. Respondent has subjected her license to discipline  
13 under Business and Professions Code section 2761(b) in that  
14 respondent procured her license by fraud, misrepresentation or  
15 mistake by falsely representing that she would immediately notify  
16 the Board of Registered Nursing if she were convicted of any  
17 offenses prior to the time the license was issued when, in fact,  
18 respondent failed to notify the Board that she had been convicted  
19 by the Court of violating Vehicle Code section 23103, pursuant to  
20 Vehicle Code section 23103.5 (reckless driving--alcohol related)  
21 on February 7, 1991, as set forth in paragraph 5(a).

22

23 10. Respondent has subjected her license to discipline  
24 under Business and Professions Code section 2761(e) in that  
25 respondent made or gave a false statement in connection with her  
26 application for a license by certifying that she would  
27 immediately notify the Board of Registered Nursing if she were

1 convicted of any offenses prior to the time the license was  
2 issued when, in fact, respondent failed to notify the Board that  
3 she had been convicted by the Court of violating Vehicle Code  
4 section 23103, pursuant to Vehicle Code section 23103.5 (reckless  
5 driving--alcohol related) on February 7, 1991, as set forth in  
6 paragraph 5(a).

7  
8 WHEREFORE, complainant prays that a hearing be held and  
9 that the Board of Registered Nursing make its order:

10 1. Revoking or suspending Registered Nurse License  
11 Number 465060, issued to Cynthia Louise Tokoph.

12 2. Taking such other and further action as may be  
13 deemed proper and appropriate.

14 DATED: 12.28.93

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RUTH ANN TERRY, R.N., M.P.H.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

Complainant

03579110-  
SD93AD0494(jr)

EXHIBIT B

California Board of Registered Nursing Decision

dated October 23, 1997

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition of: )  
CYNTHIA LOUISE TOKOPH, )  
Petitioner. )

OAH NO. N-1997080381

DECISION

On September 11, 1997, in Sacramento, California, a quorum of the Board of Registered Nursing, Department of Consumer Affairs, State of California, with Mary Jo Gorney-Moreno, PhD, RN, President, heard this matter. M. Amanda Behe, Administrative Law Judge, Office of Administrative Hearings, presided.

Arthur Taggart, Deputy Attorney General, represented the Attorney General of the State of California.

Petitioner appeared in propria persona.

Evidence was received, the record was closed and the matter was submitted and considered in a closed Executive Session of the Board.

FINDINGS OF FACT

I

On March 31, 1991, Cynthia Louise Tokoph (hereinafter "petitioner") was issued license number 465060 to practice as a Registered Nurse by the Board of Registered Nursing (hereinafter "the Board"), Department of Consumer Affairs, State of California.

## II

On April 14, 1995, petitioner's license was revoked following an evidentiary hearing for her conviction of reckless driving, failure to disclose her conviction while a license applicant, and for her conviction of driving while under the influence of alcohol.

## III

In settlement of a case captioned "Cynthia L. Tokoph v. California Board of Registered Nursing" filed in the United States District Court (Southern District), Case No. 96-1450-BTM, petitioner was permitted to file a Petition for Reduction of Probation/Reinstatement of License to practice as a Registered Nurse in the State of California. The matter was set for an evidentiary hearing before the Board.

## IV

Petitioner left California in 1995 and has since permanently resided in Arizona. She testified that around the time of the hearing which resulted in the revocation of her license she quit working as a nurse and applied for state disability insurance due to mental stress involved with her work and life situation. She has not worked as a nurse since that time, but testified that she "more than likely" intends to seek a nursing license in Arizona based on her California license if it is reinstated.

Petitioner testified that she has not taken any educational courses to remain current in nursing because she did not feel they could apply to her license. Although she acknowledged that "it's a possibility" that she will become unfamiliar with nursing she does not intend to take any such courses as long as she does not have a license.

Petitioner testified that she attends Alcoholics Anonymous meetings "occasionally," and does not need to attend such sessions regularly because "I don't need to anymore." She has not had a sponsor since she moved from California in 1995. Petitioner acknowledged that despite her prior attempts at sobriety she had three relapses of drinking between July 1993 and June 1994. She testified that she has been sober since June 1994, but offered no results of fluid testing in support of that assertion.

Petitioner testified that she "is not prepared to say if [she] agrees with any probationary requirement that she participate in an alcohol treatment program. She opined that she "has been through" rehabilitation and treatment so her "DUI is no longer affecting" her practice of nursing. Petitioner testified that she has learned how to live soberly and "gone through many changes."

### DETERMINATION OF ISSUES

Grounds for granting the Petition For Reinstatement were established.

### ORDER

The Petition For Reinstatement is granted. A license shall be issued to Petitioner (hereinafter referred to as "respondent." Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period three of years on the following terms and conditions:

1. Respondent shall obey all federal, state and local laws, and all rules, and regulations of the Board of Registered Nursing governing the practice of nursing in California. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within 72 hours of occurrence. To permit monitoring of compliance with this term, respondent shall submit completed fingerprint cards and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.
2. Respondent shall fully comply with the terms and conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.
3. Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.
4. Periods of residency or practice outside of California will not apply to the reduction of this probationary term. Respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state.
5. Respondent, during the period of probation, shall submit such written reports/declarations and verification of actions under penalty of perjury



as are required. These declarations shall contain statements relative to respondent's compliance with all the terms and conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

6. Respondent, during the period of probation, shall engage in the practice of professional nursing in California for a minimum of 24 hours per week (or as determined by the Board) for 6 consecutive months, and respondent's probation shall be extended until such time as this term is completed. Per Section 2732 of the Business and Professions Code, no person shall engage in the practice of registered nursing without holding a license which is in an active status.
7. The Board shall be informed of and approve of each agency for which the respondent provides nursing services prior to respondent's commencement of work. The respondent shall inform respondent's employer of the reason for and the terms and conditions of probation and shall provide a copy of the Board's decision and order to respondent's employer and immediate supervisor. The employer shall submit performance evaluations and other reports as requested by the Board. Respondent is also required to notify the Board in writing within seventy-two (72) hours after termination of any nursing employment. Any notification of termination shall contain a full explanation of the circumstances surrounding it.
8. The Board shall be informed of and approve of the level of supervision provided to the respondent while respondent is functioning as a registered nurse. The appropriate level of supervision must be approved by the Board prior to commencement of work. Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing.
9. Respondent may not work for a nurse registry, temporary nurse agency, home care agency, in-house nursing pool, as a nursing supervisor, as a faculty member in an approved school of nursing, or as an instructor in a Board approved continuing education program. Respondent must work only on regularly assigned, identified and predetermined worksite(s) with appropriate supervision as approved by the Board.

10. Respondent at respondent's expense, shall begin and successfully complete a course in nursing, such as Ethics or Nursing Law, as directed by the Board's staff prior to engaging in the practice of nursing. Respondent is suspended from practicing nursing until the necessary coursework is completed. The content of such course(s) and the place and conditions of instruction shall be specified by Board staff at the time of the initial probation meeting based on the nature of the violation(s). Specific courses must be approved prior to enrollment. The respondent must submit written proof of enrollment and proof of successful completion. Transcripts or certificates of completion must be mailed directly to the Board by the agency or entity instructing the respondent.

Home study or correspondence courses are not acceptable and will not be approved.

11. If a respondent violates the conditions of probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board. Upon successful completion of probation, respondent's license will be fully restored.

12. Respondent, at respondent's expense, within 45 days of the effective date of this Decision, shall have a licensed physician submit, in a format acceptable to the Board, an assessment of respondent's physical condition and capability to perform the duties of a professional registered nurse. If medically determined, a recommended treatment program will be instituted and followed by respondent with the physician providing written reports to the Board on forms provided by the Board.
13. Respondent, at respondent's expense, shall successfully complete or shall have successfully completed a treatment/rehabilitation program of at least six months duration which the Board

approves. Reports shall be submitted by the program on forms provided by the Board. If respondent has not completed a treatment program prior to commencement of probation, respondent, within a reasonable period of time as determined by the Board (but not exceeding 45 days from the effective date of the Decision) shall be enrolled in a treatment program. If a treatment program is not successfully completed within the first nine months of probation, the Board will consider respondent to be in violation of probation and will initiate further disciplinary action against respondent's license.

In addition, respondent must attend two Twelve Step recovery meetings per week (e.g., Narcotics Anonymous, Alcoholic Anonymous, etc.) or any other Board-approved recovery meetings and a nurse support group as directed by the Board's staff. If a nurse support group is not available, an additional Twelve Step meeting or other Board-approved recovery meeting must be added. Respondent must submit dated and signed documentation confirming such attendance to the Board during the entire period of probation.

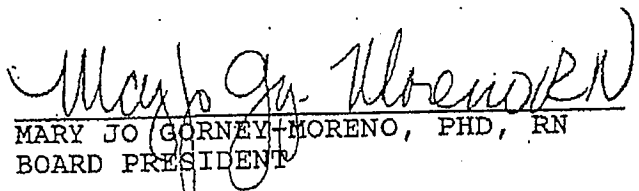
14. Respondent shall completely abstain from the possession, injection or consumption by any route of all psychotropic (mood altering) drugs, including alcohol, except when the same are lawfully prescribed by a licensed physician or dentist as part of documented medical treatment. Respondent shall have sent to the Board, in writing and within fourteen days, by the prescribing physician or dentist, a report identifying the medication, dosage, the date the medication was prescribed, respondent's prognosis, and the date the medication will no longer be required.
15. Respondent, at respondent's expense, shall participate in a random, biological fluid testing or a drug screening program which the Board approves. The length of time and frequency will be subject to approval by the Board. Respondent is responsible for keeping the Board informed of respondent's current telephone number at all times and for ensuring that reports are submitted directly by the testing agency to the Board, as directed. Any confirmed positive finding shall be reported immediately to the Board by the program and respondent will be considered in violation of probation.

In addition, respondent, at any time during the period of probation shall fully cooperate with the Board or any of its representatives, and shall, when requested, submit to such tests and samples as the Board or its representatives may require for the detection of alcohol, narcotics, hypnotics, dangerous drugs, or other controlled substances.

16. Prior to the start of actual nursing practice respondent shall have a mental health examination including psychological testing as appropriate to determine respondent's capability to perform the duties of a registered nurse. The examination will be performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by the Board. The examining mental health practitioner will submit a written report of that assessment and recommendations to the Board. All costs are the responsibility of the respondent. Recommendations for treatment, therapy or counseling made as a result of the mental health examination will be instituted and followed by respondent.
17. Respondent, at respondent's expense, shall participate in an on-going counseling program until such time as the Board releases respondent from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

Dated: October 23, 1997

BOARD OF REGISTERED NURSING

  
MARY JO GORNEY-MORENO, PHD, RN  
BOARD PRESIDENT

## EXHIBIT C

Arizona State Board of Nursing Order of Revocation, Cover Letter,  
and Consent Agreement dated June 4, 2009



Janice K. Brewer  
Governor

Joey Ridenour  
Executive Director

*Arizona State Board of Nursing*

4747 North 7th Street, Suite 200  
Phoenix, AZ 85014-3655  
Phone (602) 771-7800 Fax (602) 771-7882  
E-Mail: [arizona@azbn.gov](mailto:arizona@azbn.gov)  
Home Page: <http://www.azbn.gov>

**TO:** Regional Inspector General for Investigations  
Los Angeles Field Office  
600 W. Santa Ana Blvd., Ste. 1100  
Santa Ana, CA 92712

**DATE:** July 15, 2009

**FROM:** Joey Ridenour, R.N., M.N., F.A.A.N., Executive Director  
Arizona State Board of Nursing

**SUBJECT:** CYNTHIA LOUISE CARDONA  
Disciplinary Action by Arizona State Board of Nursing

---

This is to advise you that the above named nurse was disciplined by the Arizona State Board of Nursing on July 2, 2009. The disciplinary action given was revocation.

Enclosure: Order of Revocation, Cover Letter, Consent Agreement (certified copies)  
cc: CA Board of Registered Nursing

Janice K. Brewer  
Governor



Joey Ridenour  
Executive Director

*Arizona State Board of Nursing*

4747 North 7th Street, Suite 200  
Phoenix, AZ 85014-3655  
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E-Mail: [arizona@azbn.gov](mailto:arizona@azbn.gov)  
Home Page: <http://www.azboardofnursing.gov>

**AFFIDAVIT OF CUSTODIAN OF RECORDS**

STATE OF ARIZONA

COUNTY OF MARICOPA

I, Joey Ridenour, Executive Director for the Arizona State Board of Nursing, County of Maricopa, State of Arizona, do hereby certify that I am the officer having the legal custody for the records hereto attached in the office of the Arizona State Board of Nursing, County of Maricopa, State of Arizona, a public office of said State. The attached copies are true copies of the records on **Cynthia Louise Cardona**. Personnel of the Arizona State Board of Nursing prepared the records during the ordinary course of business.

Witness my hand and the seal of the Arizona State Board of Nursing at 4747 N. 7<sup>th</sup> Street, Suite 200, Phoenix, Arizona 85014-3655 on July 15, 2009.

SEAL

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

# Arizona State Board of Nursing

Date Printed: 07/15/2009

By: BRENT SUTTER, LICENSING

**NAME** Mrs. CYNTHIA LOUISE CARDONA

**GENDER:** F      **ETHNICITY:** White - Not of  
Hispanic Origin

**PLACE OF BIRTH** CITY: CHICAGO

**STATE:** IL

HOME ADDRESS

5768 S MOUNTAIN SIDE LN

HEREFORD AZ 85615

County: Out of State

Country: UNITED STATES

**HOME PHONE:** N/A

**PAGER:** N/A

**CELL PHONE:** N/A

**BUSINESS PHONE:** N/A

**FAX:** N/A

**E-MAIL:** cc@oliveleafent.com

OTHER NAMES

NAMES USED

REASON

NAMES USED

REASON

CYNTHIA LOUISE TOKOPH

Maiden Name

CYNTHIA LOUISE TOKOPH

Maiden Name

**AZ LICENSE/CERTIFICATION INFORMATION:**

**License/Certificate Number:** TRN158058

**License Type:** TEMP RN

**Original Date:** 06/17/2009

**Expiration/Next Renewal Date:** 07/02/2009

**Last Issued Date:** 06/17/2009

**Original State of Licensure/Certification:**

**AZ LICENSE STATUS HISTORY**

<u>STATUS</u>	<u>FROM</u>	<u>TO</u>	<u>LAST MODIFIED BY:</u>
Complaint/Self Report	07/18/2002	01/24/2003	snorth
Pending FBI Prints	07/25/2002	09/24/2002	snorth
Application Deficiency Notice Sent	07/25/2002	09/24/2002	snorth
Under Investigation	01/24/2003	03/05/2003	ssmith
Denied	01/24/2003	06/12/2009	MARY RAPPOPORT
Complaint/Self Report	02/17/2009	06/12/2009	MARY RAPPOPORT
Pending Verification from original state of licens	02/20/2009	04/27/2009	PAULA DELPHTY
Active: Refresher Course Only	02/20/2009	07/02/2009	MICHELLE MILLS
Temporary Pending	02/20/2009	06/04/2009	DONNA FRYE
Application Deficiency Notice Sent	02/20/2009	07/02/2009	MICHELLE MILLS
Pending Education	02/20/2009	07/02/2009	MICHELLE MILLS
Pending Fingerprint Results	02/20/2009	03/11/2009	DONNA FRYE
Under Investigation	06/04/2009	06/12/2009	MARY RAPPOPORT
Active: Probation	06/12/2009	07/02/2009	MICHELLE MILLS
Valid in Arizona Only	06/17/2009	07/02/2009	MICHELLE MILLS
Stayed Revocation	06/17/2009	07/02/2009	MICHELLE MILLS
Revoked	07/02/2009		MICHELLE MILLS

**SCHOOL INFORMATION**

<u>NAME</u>	<u>LOCATION</u>	<u>NCLEX CODE</u>	<u>DEGREE OBTAINED</u>	<u>GRADUATION DATE</u>
PIMA COUNTY COMM COLLEGE	TUCSON AZ		Refresher Course	
PALOMAR COMMUNITY COLLEGE	SAN MARCOS CA	04485	Associates in Nursing	12/21/1990
NORTHERN ARIZONA UNIVERSITY	FLAGSTAFF AZ	96599	Masters in Other Field	06/01/2007

**OTHER STATES OF LICENSURE/CERTIFICATION**

<u>LIC/CERT NO</u>	<u>STATE</u>	<u>LIC/CERT TYPE</u>	<u>STATUS</u>	<u>LIC/CERT DATE</u>	<u>ORIG STATE</u>
RN465060	CA	REGISTERED NURSE	Active: Good Standing	03/31/1991	Y



Date Printed: 07/15/2009

MOST RECENT APPLICATION INFORMATION

Year: 2009

Employment Status:

Type of Nursing Position: .

Major Clinical or Teaching Area in Nursing:

Principle Field of Employment:

200-443-5552

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE DISCIPLINARY )  
ACTION AGAINST REGISTERED )  
LICENSE NO.: TRN158058 )  
ISSUED TO: )

NOTICE OF REVOCATION

CYNTHIA LOUISE CARDONA )

The Arizona State Board of Nursing hereby gives notice that the temporary registered nurse license number TRN158058, issued to Cynthia Louise Cardona, is hereby revoked in accordance with the provisions of Consent Agreement and Order No. 0902061 and is effective upon the date of this Notice of Revocation.

Pursuant to R4-19-404(B), Cynthia Louise Cardona may apply for reissuance of said license after a period of five years.

DATED this 2<sup>nd</sup> day of July, 2009.

SEAL

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: July 2, 2009

JR/MM:bs

RECEIVED  
JUL 10 2009  
ARIZONA STATE BOARD OF NURSING

COPY mailed this 15<sup>th</sup> day of July, 2009, by Certified Mail No. 7006 3450 0000 4186 6158 and  
First Class mail to:

Cynthia Louise Cardona  
5768 S Mountain Side Ln  
Hereford, AZ 85615

By: Brent Sutter  
Legal Secretary



Janice K. Brewer  
Governor

Joey Ridenour  
Executive Director

## Arizona State Board of Nursing

4747 North 7th Street, Suite 200  
Phoenix, AZ 85014-3655  
Phone (602) 771-7800 Fax (602) 771-7882  
E-Mail: [arizona@azbn.gov](mailto:arizona@azbn.gov)  
Home Page: <http://www.azbn.gov>

July 15, 2009

Cynthia Louise Cardona  
5768 S Mountain Side Ln  
Hereford, AZ 85615

RE: Consent Agreement and Order No.  
License No. TRN158058

Dear Ms. Cardona:

Enclosed is a Notice of Revocation, providing notice to you that the Arizona State Board of Nursing ("Board") automatically revoked your temporary registered nurse license number TRN158058 on July 2, 2009. Your license was automatically revoked because of your non-compliance with the terms of Stayed Revocation/Probation in Consent Agreement and Order No. 0902061, which became effective on June 12, 2009.

**Paragraph B. – Order...** "If Applicant is non-compliant with any of the terms of the Order during the 12-month stayed revocation period, the stay of the revocation shall be lifted and Applicant's license shall be automatically revoked for a minimum period of five (5) years. Except as provided in paragraphs 7 and 12 of this Order, the Board or its designee, in its sole discretion, shall determine noncompliance with the stayed portion of the Order. With the exception of the provisions identified in paragraphs 7 and 12, Applicant waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph."

Documentation in your monitoring file at the Board indicates that you were non-compliant with the following terms of the Stayed Revocation/Probation:

Paragraph 7. — Drug Testing: "Within seven (7) days of the effective date of this Order, and throughout the term of this Order, Applicant shall remain enrolled in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, for a period of 12-months, thereafter, a minimum of once per month, and may be required more frequently as requested by the Board or its designee. Applicant shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Applicant is unable to submit a specimen on a date requested due to illness, Applicant must provide in writing within seven (7) days of the missed specimen, documentation from a medical provider who has personally seen Applicant on the day of the requested drug test confirming that

Applicant was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Applicant's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Applicant: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Applicant, Applicant shall, within five (5) days of being notified of the noncompliance, submit a written request for further review and the reason(s) for contesting the results. If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and reliability of Applicant's drug screening results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of revocation shall be lifted and Applicant's license automatically revoked, NOT subject to further review."

*You were assigned the color "orchid" when you enrolled in the random urine drug testing program, and according to Sonora Quest Laboratories you failed to submit a specimen for drug testing when your color was called on July 1, 2009.*

The conduct and circumstances described above constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. § 32-1601(16)(i) and (j).

As indicated in the Notice of Revocation, you are eligible to apply for reissuance of your nursing license on or after July 2, 2014. If you have any questions regarding this letter or the Notice of Revocation, please call me, Joey Ridenour, R.N., M.N., F.A.A.N., at (602) 771-7801.

Sincerely,

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

JR/MM:bs

Enclosure

2009 JUL 15 10 00 AM

ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF THE APPLICATION  
FOR REGISTERED NURSE LICENSURE

BY ENDORSEMENT OF

CYNTHIA LOUISE CARDONA; AKA CYNTHIA  
LOUISE TOPOKH

APPLICANT

CONSENT AGREEMENT  
AND

ORDER NO. 0902061

CONSENT AGREEMENT AND ORDER

A complaint charging CYNTHIA LOUISE CARDONA; AKA CYNTHIA LOUISE TOPOKH, ("Applicant") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing ("Board"). In the interest of a settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement and Order ("Order") as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about February 17, 2009, Applicant submitted an application for registered nurse licensure by endorsement. Under section entitled "Applicant Questions" on her endorsement application, Applicant answered "yes" to the following questions which state:

a. "Number 19. Are you currently under investigation or is a disciplinary action pending against your nursing license, CNA certificate or any other license or certification you hold in any state or territory of the United States?" and;

b. "Number 20. Are you currently a participant in a state board/designee monitoring program including alternative to discipline, diversion or a peer assistance program?" and;

c. "Number 22. Have you ever been convicted, entered a plea of nolo contendere or no contest, or have you ever been sentenced, served time in jail or prison, or had prosecution deferred or sentence deferred or probation deferred in any felony or undesignated offense?"

2. On or about November 5, 1990, Applicant submitted her application for RN licensure to the California Board of Registered Nursing and under penalty of perjury, she agreed to immediately report to the Board any convictions or disciplinary actions and that the information she provided to the Board on her application was true and correct. Applicant failed to report her February 7, 1991 DUI conviction and failed to report an August 22, 1991 plea of guilty for driving under the influence of alcohol and while on three (3) year court ordered probation. On August 22, 1991, the Court ordered Applicant to serve five (5) years probation under terms and conditions and attend and successfully complete an alcohol rehabilitation program.

3. On or about December 20, 1993, the California State Board of Registered Nursing issued an Accusation No. 94-213 against Applicant's California (CA) R.N. license number 465060. During the proceedings, Applicant admitted to the ALJ that she considered herself a "periodic alcoholic" when she resided in Florida. Applicant also disclosed during the OAH proceeding that in or about 1981, she was involved in a motor vehicle accident in which she was under the influence of alcohol.

4. On or about November 22, 1994, a California Administrative Law Judge (ALJ) in Case No. 94-123, OAH No. L-9408170, entitled "Proposed Decision, Findings of Fact, Conclusions of Law," revoked Applicant's California R.N. license.

5. On or about April 14, 1995, the California State Board of Registered Nursing (CABRN) ratified the ALJ's order and revoked Applicant's CA RN license no. 465060, for

failure to disclose two DUI convictions in 1991 and 1992 on her CA renewal application and her inability to safely practice nursing by reason of alcohol abuse.

6. On or about July 18, 2002, Applicant submitted an application for R.N. licensure to the Board by endorsement.

7. On or about January 24, 2003, the Arizona State Board of Nursing issued an Order of Denial No. 0207127, against Applicant's 2002 endorsement application based upon her past criminal DUI convictions and disciplinary action imposed upon her CA R.N. license due to her inability to safely practice nursing by reason of alcohol abuse.

8. On or about January 30, 2009, Applicant was notified by the CABRN that she successfully passed RN-NCLEX. CABRN issued her RN license which was immediately revoked and the license placed on three-year stayed revocation probation with terms and conditions. Applicant failed to complete any of the terms of her CA stipulated agreement because she changed her residence to Arizona.

9. On or about May 6, 2009, Applicant voluntarily submitted to a psychological evaluation with an emphasis on substance abuse and relapse prevention by Board approved evaluator, Jean A. Hodgson, Ph.D. Dr. Hodgson opined that Applicant could safely return to the practice of nursing if she maintained a strong recovery program, continued treatment for her depression and maintained a reduced work schedule.

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## CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1663, and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (A) as defined in § 32-1601(16) (d), (f), (i), and (j), and A.A.C. R4-19-403 (17), and (31) (Adopted and effective February 2, 2009).

The conduct and circumstances described in the paragraphs above constitute sufficient cause pursuant to A.R.S. § 32-1663(A) as defined in A.R.S. as defined in § 32-1601(16) (d), (f), (i), and (j), and A.A.C. R4-19-403 (17), and (31) (Adopted and effective February 2, 2009), to deny Applicant licensure or issue a conditional license to Applicant.

Applicant admits the Board's Findings of Fact and Conclusions of Law.

In lieu of a formal hearing on these issues, Applicant agrees to issuance of the attached Order and waives all rights to a hearing, rehearing, appeal, or judicial review relating to the Order, except in the limited circumstance(s) specified in paragraph 7, pages 10-11, and paragraph 12, pages 13-15 of this Order.

Applicant understands the right to consult legal counsel prior to entering into the Order and such consultation has either been obtained or is waived.

Applicant understands that the term "Order" used throughout this document refers to all pages of the document including Findings of Fact, Conclusions of Law and all suspension/probationary terms and conditions and paragraphs of the Order.

Applicant understands that this Consent Agreement is effective upon its acceptance by the Board and by Applicant as evidenced by the respective signatures thereto. Applicant's signature obtained via facsimile shall have the same effect as an original signature. Once signed by the Applicant, the agreement cannot be withdrawn without the Board's approval or by

stipulation between the Applicant and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Applicant. If the Consent Agreement is signed on different dates, the later date is the effective date.

Cynthia Cardona  
Applicant

Dated: June 12, 2009

ARIZONA STATE BOARD OF NURSING

SEAL

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: June 4, 2009

RAPPOPORT/CARDONA.CYNTHIA

ORDER

In view of the above Findings of Fact, Conclusions of Law and consent of Applicant, the Board hereby issues the following Order:

A. Upon Applicant's signature on this consent agreement, and acceptance by the Board, Applicant will be granted a registered nursing license, and that license is hereby revoked; however, the revocation is stayed for as long as Applicant remains in compliance with this Order. During the stay of the revocation, Applicant's registered nursing license is placed on probation for 12-months with terms and conditions, followed by probation for 24-months. Before termination of this Order, Applicant shall work as a registered nurse for a minimum of 18-months (not less than sixteen hours a week).

B. If Applicant is non-compliant with any of the terms of the Order during the 12-month stayed revocation period, the stay of the revocation shall be lifted and Applicant's license

shall be automatically revoked for a minimum period of five (5) years. Except as provided in paragraphs 7 and 12 of this Order, the Board or its designee, in its sole discretion, shall determine noncompliance with the stayed portion of the Order. With the exception of the provisions identified in paragraphs 7 and 12, Applicant waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

C. If Applicant is noncompliant with any of the terms of the Order during the 24-month standard probation portion of the Order, Applicant's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Applicant's nursing license.

D. At any time Applicant is required by terms of the Order to provide a copy of the Order to another individual or facility the Applicant must provide all pages of the Consent Agreement and Order.

E. If Applicant is convicted of a felony, Applicant's license shall be automatically revoked for a period of five (5) years. Applicant waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F. The probation is subject to the following terms and conditions:

**TERMS OF PROBATION (Stayed and Non-Stayed Revocation)**

**1. Stamping of License**

Upon acceptance by the Board and the Applicant of this Consent Agreement as evidenced their respective signatures on this Consent Agreement, Applicant will be granted a registered nursing license stamped "Probation." While this consent agreement is in effect, if the Board issues any licenses or certificates authorized by statute except a nursing assistant certificate, such certificate or license shall be stamped "Probation." Applicant is not eligible for a multistate "Compact" license.

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2. Psychiatric Treatment

While this Order is in effect Applicant shall continue to undergo psychiatric treatment for the purpose of receiving prescriptive medication(s) for depression and anxiety as deemed necessary by her psychiatrist. Applicant shall execute the appropriate release of information forms to allow the treatment professional to communicate information concerning Applicant's treatment to the Board or its designee. Applicant shall also immediately provide a copy of the entire Consent Agreement to the treatment professional. Within thirty (30) days of the effective date of this Order, Applicant shall cause the treatment professional(s) to provide a report to the Board verifying receipt of the consent agreement, and summarizing Applicant's treatment to date including Applicant diagnosis, any prescribed medication, and/or any recommendations for ongoing treatment. Thereafter, Applicant shall cause the treatment professional(s) to provide on Board approved forms, quarterly reports according the assigned reporting dates throughout the term of the agreement. Applicant shall continue to participate in treatment until the Board is notified in writing by the treatment professional(s) that treatment is no longer necessary. The Board reserves the right to amend the Order based on the recommendations of the treatment professional(s).

3. Participation in AA/NA

(a) Beginning no later than seven (7) days of the effective date of this Order, Applicant will attend a minimum of one AA/NA meeting per day for 90 days. Thereafter, and throughout the term of this Order, Applicant shall participate at least twice weekly, or as recommended by the Rehabilitation Program, in Alcoholics Anonymous, Narcotics Anonymous, or an equivalent program, and shall submit to the Board, in writing on Board-approved forms, quarterly reports which are initialed by her sponsor. The first report is due by the end of the first

month after the effective date of the Order, and quarterly thereafter according to the assigned reporting dates.

(b) Applicant shall obtain a temporary sponsor, if participating in a 12-step program, within thirty (30) days of the effective date of this Order and a permanent sponsor within 60 to 90 days. Applicant shall maintain a sponsor relationship throughout the terms of this Order.

4. One Medical Provider

Within thirty (30) days of the effective date of this Order, Applicant shall submit to the Board for approval the name of one treatment professional of Applicant's choice to conduct medical treatment for Applicant. Within seven (7) days of receipt of approval from the Board Applicant shall make an appointment to begin participation in treatment. Applicant shall immediately execute the appropriate release of information form(s) to allow the treating professional(s) to communicate information to the Board or its designee, and Applicant shall immediately provide a copy of the entire Consent Agreement to all treating professional(s). Within seven (7) days of the beginning of treatment, Applicant shall cause any and all treating professional(s) to provide written verification of enrollment in treatment and verifying receipt of the consent agreement. Thereafter, Applicant shall cause any and all treating professional(s) to provide quarterly reports to the Board according to the quarterly reporting schedule assigned to Applicant. Applicant shall continue undergoing treatment until the treating professional(s) notify the Board, in writing on letterhead, that treatment is no longer needed. The Board reserves the right to amend the Order based on recommendation(s) of treating professional(s).

5. RN Refresher Course

Within thirty (30) days of the effective date of this Order Applicant shall submit

to the Board or its designee a plan for enrollment into a Board-approved RN Nurse Refresher Course/Reentry Program ("Program"). Upon approval of Applicant's plan for enrollment by the Board or its designee, Applicant shall provide a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law to the Program Director. Within three (3) calendar days of acceptance into the Program, Applicant shall cause the Program Director to inform the Board in writing, and on school letterhead, acknowledgment of the Program's receipt of a copy of the Order. Upon verification of Applicant's admission into the Program, Applicant shall be issued a temporary license stamped "REFRESHER COURSE ONLY and Valid in AZ Only" solely for the purpose and time period required to complete the program. If Applicant does not enroll in the program or if Applicant does not successfully complete the program by either withdrawing or failing to pass, Applicant's "Refresher Course Only" license shall not be extended, and the license shall be denied.

Following the completion of the course or program, the Board or its designee may administer an examination to test Applicant's knowledge of the course content. Upon Applicant's provision of written proof of attendance and successful completion of the course or program, Applicant may be issued a registered nurse license stamped "Probation."

6. Nurse Recovery Group

Within seven (7) days of the effective date of this Order, Applicant shall enroll in a Board-acceptable Nurse Recovery Group if a group is available within forty (40) miles. Applicant shall sign release of information forms allowing the group facilitator to inform the Board, in writing and on letterhead, of Applicant's entry and progress in the group. Applicant shall attend a Nurse Recovery Group once per week and have no "Unexcused" absences or "No call/No show" occurrences.

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7. Drug Testing

Within seven (7) days of the effective date of this Order, and throughout the term of this Order, Applicant shall remain enrolled in a program that meets Board criteria for random drug testing. Random drug testing shall be done at a minimum of twice per month, for a period of 12-months, thereafter, a minimum of once per month, and may be required more frequently as requested by the Board or its designee. Applicant shall notify the drug testing laboratory and the Board, in writing, of unavailability to test before the anticipated absence. If Applicant is unable to submit a specimen on a date requested due to illness, Applicant must provide in writing within seven (7) days of the missed specimen, documentation from a medical provider who has personally seen Applicant on the day of the requested drug test confirming that Applicant was not physically able to report to the laboratory for drug testing. Otherwise failing to submit to a drug test on a day when a drug test has been requested by the Board, its designee, or the laboratory will constitute noncompliance with this Order, NOT subject to further review. A positive drug test showing evidence of any drug other than an authorized drug shall result in immediate notification of Applicant's employer by the Board. However, any occurrence of the following constitutes noncompliance with this Order, subject to further review if contested in writing by Applicant: a positive drug test showing evidence of any drug other than an authorized drug; submission of a specimen where the integrity has been compromised as indicated by the presence of adulterants; or submission of a urine sample that is below the acceptable volume or temperature to be tested. If contested by Applicant, Applicant shall, within five (5) days of being notified of the noncompliance, submit a written request for further review and the reason(s) for contesting the results. If so contested, the noncompliance shall be investigated by Board staff and reviewed and substantiated by the Board's designee, to include a written verification attesting to the validity and reliability of Applicant's drug screening

results from the Toxicologist or Medical Review Officer affiliated with the drug screening laboratory. If so investigated, reviewed, substantiated and verified, the stay of revocation shall be lifted and Applicant's license automatically revoked, NOT subject to further review.

8. Abstain from Alcohol Use

Applicant shall completely abstain from the use of alcohol.

9. Abstain from Unauthorized Drug Use/Proof of Prescription

Applicant shall completely abstain from the use or possession of controlled substances, and dangerous drugs as defined by law, or any drugs requiring a prescription.

Orders prohibiting Applicant from personal use or possession of controlled substances or dangerous drugs do not apply to medications lawfully prescribed to Applicant for an illness or condition by a medical provider. During the duration of this Order, Applicant shall select one medical provider to coordinate her health care needs and to be aware of all prescriptions utilized. Within seven (7) days of the effective date of this Order, Applicant shall cause all medical providers who have prescribed medications which are currently being used by the Applicant daily or on an as needed basis to provide in writing, on letterhead, verification of knowledge of Applicant's history of substance use, awareness of Applicant's Consent Agreement and Order with the Board, and documentation of current medications prescribed for Applicant. Applicant shall execute all release of information form(s) as required by the Board or its designee so that Applicant's medical providers shall be able to communicate information with the Board.

Prior to receiving treatment from any other medical provider(s), Applicant shall notify the medical provider(s) of Applicant's history of substance use and of the existence of the Order.

DURING THE COURSE OF THE ORDER APPLICANT SHALL CAUSE ANY AND ALL PROVIDERS TO NOTIFY THE BOARD OF THEIR AWARENESS OF APPLICANT'S



HISTORY OF SUBSTANCE USE, BOARD ORDER, AND NOTIFICATION OF ANY  
MEDICATIONS ORDERED BY THE PROVIDER. THE NOTIFICATION SHALL BE MADE  
IN WRITING WITHIN ONE (1) WEEK OF THE PROVIDER'S ISSUANCE OF THE  
PRESCRIPTION.

If Applicant has a lawful prescription for a controlled substance, Applicant shall cause her prescribing provider to provide monthly reports to the Board regarding the continued need for the prescribed narcotic or mood-altering medications within seven (7) days of the 30<sup>th</sup> day of each month. The Board or its designee may, at any time, request the provider to document the continued need for prescribed medications. Such report from the provider shall be received by the Board within fourteen (14) days of the request. Applicant shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board or its designee.

10. Relapse Prevention Evaluation

Twelve (12) months prior to the termination of the Order or as requested by the Board or its designee, Applicant shall be evaluated by a relapse prevention therapist, who is at minimum, Master's prepared. Applicant shall comply with any treatment recommendations as recommended by the relapse prevention evaluator.

If recommended by the evaluator, Applicant shall enroll in a relapse prevention program or other recommended therapy within thirty (30) days of being notified by the Board or its designee of the recommendations from the evaluator. Applicant shall cause the program facilitator to inform the Board, in writing and on letterhead, verification of enrollment in the program. Prior to entry into a relapse prevention program or any type of other recommended therapy, Applicant shall provide a copy of this Consent Agreement and Order to the program facilitator. Applicant shall sign release of information form(s) to allow the facilitator to

communicate information with the Board or its designee. Applicant shall participate in the relapse prevention program or therapy until the Board receives written verification from the facilitator that Applicant has successfully completed the program. During participation in the program, Applicant shall cause the program facilitator to provide to the Board, in writing on Board-approved forms, evidence of satisfactory attendance, participation, discharge, and successful completion of the program. Reports are due on the first quarterly reporting date after entry into the relapse prevention program and quarterly thereafter, according to schedule. Violation of this paragraph is noncompliance with the Order.

11. Notification of Practice Settings

Any setting in which Applicant accepts employment, which requires RN licensure, shall be provided with a copy of the entire Order on or before the date of hire. Within three (3) calendar days of Applicant's date of hire, Applicant shall cause her immediate supervisor to inform the Board, in writing and on employer letterhead, acknowledgment of the supervisor's receipt of a copy of this Consent Agreement and Order and the employer's ability to comply with the conditions of probation. In the event Applicant is attending a nursing program, Applicant shall provide a copy of the entire Consent Agreement and Order to the Program Director. Applicant shall cause the Program Director to inform the Board, in writing and on school letterhead, acknowledgment of the program's receipt of a copy of the Consent Agreement and Order and the program's ability to comply with the conditions of probation during clinical experiences.

12. Quarterly Reports

Within thirty (30) days of the effective date of this Order, and quarterly thereafter, Applicant shall cause every employer Applicant has worked for to submit to the Board, in writing, quarterly employer evaluations on the Board-approved form. In the event Applicant is

not employed in nursing or attending school during any quarter or portion thereof, Applicant shall submit to the Board, in writing, a self-report describing other employment or activities on the Board-approved form.

Receipt of confirmation of employment disciplinary action, including written counseling(s), suspension, termination or resignation in lieu of termination from a place of employment, any of which pertains to improper patient care, unsafe practice, inappropriate medication removal or administration, sub-standard documentation, or impairment on duty, positive drug test showing evidence of any drug other than an authorized drug, and/or refusal to submit to an employer requested drug screen/testing, shall be investigated by Board staff and reviewed and substantiated by the Board's designee. If so investigated, reviewed and substantiated, the employment disciplinary action shall be considered as noncompliance with the terms of the Order, and the stay of revocation shall be lifted and Applicant's license automatically revoked. If Applicant contests the lifting of the stay as it relates to this paragraph, Applicant shall request in writing, within ten (10) days of being notified of the automatic revocation of licensure, that the matter be placed on the Board agenda for the Board to review and determine if the automatic revocation of Applicant's license was supported by substantial evidence. If the written request is received within ten (10) days of a regularly scheduled Board meeting, the request will NOT be heard at that meeting, but will be heard at the NEXT regularly scheduled Board meeting. Pending the Board's review, Applicant's license shall be reported as revoked – under review. Applicant may not work in any capacity involving nursing licensure pending the Board's review. The Board's decision and Order shall not be subject to further review.

Failure to provide employer evaluations or if not working in nursing, self-reports; within seven (7) days of the reporting date is non-compliance with this Order and is not subject to further review.

13. Practice Under On-Site/Direct Supervision

Applicant shall practice as a professional nurse, only under the direct supervision of a professional nurse in good standing with the Board, for the first twenty-four (24) months. *Direct supervision is defined as having a professional nurse present on the same unit with the Applicant whenever Applicant is practicing as a professional nurse.* Thereafter and until completion of probation, Applicant shall practice only under the on-site supervision of a professional nurse in good standing with the Board. *On-site supervision is defined as having a professional nurse in present in the building while Applicant is on duty.* The supervising nurse shall have read this Consent Agreement and Order to include the Findings of Fact and Conclusions of Law, and Order, and shall provide input on Applicant's employer evaluations to the Board. The supervising nurse shall be primarily one person, who may periodically delegate to other qualified personnel, who shall also have read this Consent Agreement and Order to include Findings of Fact, Conclusions of Law. In the event the assigned supervising nurse is no longer responsible for the supervision required by this paragraph, Applicant shall cause her new assigned supervising nurse to inform the Board, in writing and on employer letterhead, acknowledgment of the new supervising nurse's receipt of a copy of this Consent Agreement and Order to include Findings of Fact and Conclusions of Law and the new supervising nurse's agreement to comply with the conditions of probation within seven (7) days of assignment of a new supervising nurse.

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14. Acceptable Hours of Work

Applicant shall work only the day or evening shift. Evening shift is defined as a shift that ends prior to midnight. Within a 14-day period Applicant shall not work more than 84 scheduled hours.

Applicant may work three 12-hour shifts in one seven day period and four 12-hour shifts in the other seven-day period, but Applicant may not work more than 3 consecutive 12-hour shifts during this probationary period. Applicant shall not work two (2) consecutive 8-hour shifts within a 24-hour period or be scheduled to work 16 hours within a 24-hour period.

15. Registry Work Prohibited

Applicant may not work for a nurse's registry, home health, traveling nurse agency, any other temporary employing agencies, float pool, or position that requires on-call status.

16. Out of State Practice/Residence

Before any out-of-state practice or residence can be credited toward fulfillment of these terms and conditions, the Board must first approve out-of-state practice or residence.

17. Release of Information Forms

Applicant shall sign all release of information forms as required by the Board or its designee and return them to the Board within ten (10) days of the Board's written request. Failure to provide for the release of information, as required by this paragraph constitutes non-compliance with this Order.

18. Interview with the Board or its Designee

Applicant shall appear in person or if residing out of state, telephonically for interviews with the Board or its designee upon request and with at least two (2) days notice.

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19. Renewal of License

If Applicant's registered nursing is expired at the time of the effective date of the Consent Agreement and Order, Applicant must renew the license within seven (7) days of the effective date. In the event the registered license is scheduled to expire during the duration of this Order, Applicant shall apply for renewal of the registered license and pay the applicable fee before the expiration date. Failure to renew within seven (7) days of the effective date of this Order, if it is expired, or failure to renew a license by the last date in which the license is to expire, shall be considered as noncompliance.

20. Change of Employment/Personal Address/Telephone Number

Applicant shall notify the Board, in writing, within seven (7) days of any change in nursing employment, personal address or telephone number. Changes in nursing employment include the acceptance, resignation or termination of employment.

21. Obey All Laws

Applicant shall obey all laws/rules governing the practice of nursing in this state and obey all federal, state and local criminal laws. Applicant shall report to the Board, within ten (10) days, any misdemeanor or felony arrest or conviction.

22. Costs

Applicant shall bear all costs of complying with this Order.

23. Voluntary Surrender of License

Applicant may, at any time this Order is in effect, voluntarily request surrender of her license.

24. Violation of Probation

If during the stayed revocation portion of the Order Applicant is non-compliant with the terms of the Order in any way, the stay of revocation shall be lifted and Applicant's

license shall be automatically revoked. If during the standard probation portion of the Order

Applicant is noncompliant with the terms of the Order in any respect, the Board staff may notify the Applicant's employer of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Consent Agreement and Order after affording Applicant notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Applicant during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

25. Completion of Order

Applicant is not eligible for early termination of this Order. Upon successful completion of the Order, Applicant shall request formal review by the Board, and after formal review by the Board, Applicant's nursing license may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: June 4, 2009

SEAL

JR/mer

COPY mailed this 10<sup>th</sup> day of June, 2009, by First Class Mail, to:

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